

रजिस्टर्ड नं० HP/13/SML/2001.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 31 मार्च, 2001/10 चैत्र, 1923

हिमाचल प्रदेश सरकार

आबकारी एवं कराधान विभाग

अधिसूचना

शिमला-9, 31 मार्च, 2001

संख्या 7-58/2000-ई० एक्स० एन०-8022-8072.—प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गये क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम संख्यांक 1) की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उक्त अधिनियम की धारा 9 के अधीन और इसके साथ पठित हिमाचल प्रदेश एक्ससाईज पावर्ज एण्ड अपील बोर्डरज, 1965 द्वारा मुझ में निहित वित्तायुक्त की शक्तियों का प्रयोग करते हुए, मैं, संजीव गुप्ता, आबकारी एवं कराधान आयुक्त, हिमाचल प्रदेश एतद्द्वारा

हिमाचल प्रदेश लीकर लाईसेंस रूलज, 1986 (जिन्हें यहां उसके पश्चात् उक्त रूलज कहा गया है) में प्रथम अप्रैल, 2001 से निम्नलिखित और संशोधन करता हूँ :—

संशोधन

1. In the table given in rule 1 of the said rules, —

(i) after the entry “L-1-B” but before the entry “L-1-C” the following entry shall be inserted, namely :—

“L-1-BB	Wholesale vend of imported foreign liquor from outside India to L-1 vend only.	Fixed fee	Financial Commissioner	Financial Commissioner”
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(ii) after the entry “L-10-B” but before the entry “L-11” the following entry shall be inserted, namely :—

“L-10-BB	Retail vend of beer for departmental stores etc. for consumption off the premises.	Fixed fee	Collector	Collector”
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2. In rule 11 of the said rules in the proviso after the letter, sign and figure “L-5-A” the sign letter and figure “L-10-BB” shall be inserted.

3. The rule 18-AA of the said rules shall be substituted by the followings, namely :—

“18-AA. The license mentioned in sub-rule 18-A shall be granted/renewed only subject to the condition that the holder of that license during the currency of the license shall lift following minimum quantity of I.M.F.S. from the approved source(s) of supply :—

Category of license (area wise) ;

(as specified in Schedule ‘A’ appended to these rules)

Minimum lifting required (in proof litres).

A	1	1000
B	:	500

4. After rule 19 of the said rules new rule 19-A shall be inserted, namely :—

“19-A. A license in form L-10-BB shall be granted to a person, only if he fulfills the following conditions :—

(i) He should be the owner of the shop like departmental stores etc. falling in urban area only.

(ii) He should be a registered dealer under the H.P. General Sales Tax Act, 1968.

(iii) He shall keep the stock of beer on the business premises only and will not keep beer in any godown or place attached to his business premises.

(iv) He will sell the beer in sealed bottles for consumption ‘off’ the premises.

- (v) He shall obtain the supply of beer from the nearest L-1 of the area on the assessed fee as prescribed. The provisions of Himachal Pradesh Shop and Commercial Establishment Act will be applicable for observance of sale hours.

Notwithstanding anything contained to the contrary in the rules, the applicant for such license will not be required to obtain 'No Objection Certificates' from the local bodies or from any other authority for that matter. However, all other rules shall be applicable on this license also.

5. In rule 27 of the said rules,—

- (i) in sub-rule (a) after the letter, sign and figure "L-I-B," the letter, sign and figure "L-1-BB," and after the letter, sign and figure "L-10-B," the letter, sign and word "L-10-BB" shall be inserted.
- (ii) In sub-rule (b) after the letter, sign and word 'L-I-B,' the letter, sign and word 'L-1-BB,' and after the letter, sign and word 'L-10-B,' the letter, sign and word 'L-10-BB,' shall be inserted.
- (iii) In sub-rule (d) after the letter, sign and figure 'L-5-A,' the letter, sign and figure 'L-10-BB' shall be inserted.

6. In rule 30 of the said rules—

- (i) after the letter, sign and figure 'L-9-A,' the letter, sign and figure 'L-10-BB,' shall be inserted.
- (ii) In the proviso after the letter, sign and figure '1-9' the sign, letter and figure 'L-10-BB' shall be inserted.

7. In rule 35 of the said rules—

- (i) after the word 'auction' but before the sign ':' the words "cum-tender" shall be inserted.
- (ii) at the end the following notes shall be inserted:—

"Note: The competent authority may, if no bid in auction/tender is forthcoming in respect of a vend of a group of vends or if the highest bid is considered insufficient or if the situation otherwise warrants or if it is expedient to do so in the interest of revenue, grant these licenses, alone or with any other license, whether or not auctioned, by contract through negotiations or by carrying out the auction-cum-tender again."

8. Existing Rule 36 shall be substituted by the following, namely:—

"36. PROCEDURE FOR AUCTION-CUM-TENDER.—

- 1. Subject to any directions made by the Excise Commissioner in this behalf, the

Collector shall, each year before the annual auction determine:—

- (a) In respect of licenses in form L-2 and L-10 the license fee at which each vend may be reasonably licensed ; and
 - (b) In respect of country liquor vends the quantum of quota in proof litres and bottles for the period for which license is to be granted and on the basis thereof the minimum annual license fee at which each vend may reasonably be licensed.
2. Country liquor quota will be fixed on the basis of lifting pattern during previous years. License fee (also reserve price in the context of this para) for L-2, L-10, L-14 and L-14-A vends or group of vends will be determined on the basis of country liquor quota, actual lifting of CL/IMFS/Beer and prevalent prices and not merely by adding constant percentage on reserve price last year. The reserve price of a district as a whole will not however be less than the reserve price last year. Reserve price for individual vend or group of vends will be determined on the basis. The quota of country liquor in proof litres and bottles fixed for each vend of country liquor shall be announced by the Collector or any officer authorised by the Excise Commissioner hereinafter referred to as the Presiding Officer, before such vend is put to auction.
 3. Tenders will be submitted in accordance with the procedure prescribed in the 'Tender Document for Sale of Licenses by Auction/Tender' (Schedule-C). However, all bidders intending to participate in auction also are expected to go through the Tender Document and submit the relevant forms before participating in the auction. The tender documents may be obtained from office of the Assistant Excise & Taxation Commissioner for filing bid or for participating in the auction in any one or more districts in Himachal Pradesh.
 4. The tenders shall be received by the Deputy Commissioner/ Presiding Officer as per the terms and conditions laid down in Tender Document before the auction commences. Terms and conditions laid down in the Tender Document shall be part and parcel of these conditions governing the procedure for auction/tender. Every Assistant Excise & Taxation Commissioner or Excise & Taxation Officer, Incharge of the district shall complete the record of every person (other than the Presiding Officer or any other officer or official of the Excise & Taxation Department) entering the auction venue/hall in the following format:

S. No.	NAME AND FULL ADDRESS OF PERSON ENTERING AUCTION VENUE/HALL	FULL SIGNATURES OF PERSON MENTIONED IN COLUMN NO. 2.	SIGNATURE OF DEPARTMENTAL OFFICIAL

- *The auction shall be presided over by the Deputy Commissioner of the respective District. If due to certain urgent exigencies beyond control, the Deputy Commissioner cannot preside over the auction, the Collector (Excise) of the respective Zone shall preside over the auction.
- *Every intending bidder in the auction shall bring along with him Eligibility Claim as defined in the Tender Document. Similarly, every person(s) submitting a sealed bid will have to first prove his eligibility. If eligibility claim of a bidder is found to be defective the same will be returned to the bidder after recording reasons for rejection on this eligibility claim. In such cases the bidder shall be advised to submit the sealed tendered after removing the shortcomings.
- *Only those persons who are found eligible and who have deposited a sum of Rs. 10,000/- in the Government Treasury or with the Presiding Officer shall be allowed to bid for any license. Such a person may also, however, bid for more than one license.
- *When the bidding for any license exceeds a figure of Rs. 1,00,000/-, each further bid shall be multiple of Rs. 10,000/-, and above Rs. 10 lacs each further bid shall be multiple of Rs. 25,000/-.
- *The auction shall be conducted for each unit separately. However, the Presiding Officer may (subject to the conditions given in Tender Document) in very rare circumstances and with the approval of the Financial Commissioner (Excise) auction more than one unit together keeping in view the interest of Government revenue. The Financial Commissioner may reject any grouping done by the Presiding Officer.
- *The Presiding Officer may refuse any bid, which he considers to be merely speculative. However, reasons in this regard will be recorded in writing.
- *The Presiding Officer may exclude any person, on account of his *conviction or record of a bad character* on account of being suspected of pooling or indulging in other activities pre-judicial to Government revenue or for any other sufficient reason to be recorded in writing, from participating in the auction. He may further recommend to the Financial Commissioner for black listing of that person.
- *If the Presiding Officer is of the opinion that the bids are sluggish as a result of suspected pooling, he may postpone the auction of that particular Unit.
- *When the Presiding Officer finds that a bid has crossed the predetermined threshold amount, he will demand an immediate deposit of part amount of the bid money (called 'cash down' payment). This 'cash down' payment will increase as per a predefined formula as the bid increase further. The cash down condition may be applicable on that bid also which crosses the predetermined threshold amount if, in the opinion of Presiding Officer an abnormally high jump is made from one to another only to take advantage of no or lower cash down condition.
- *There will be no restriction on bidding for a license and holding licenses for Country liquor foreign Liquor, Country Fermented Liquor at a time. However, the wholesale licenses

of Foreign Liquor (L-1, L-1-A and L-11 Licensees) are not allowed to hold license for the whole sale or retail sale of Country Liquor or Country Fermented Liquor. A license in Form L-2 for the retail sale of Foreign Liquor to the public only may not be held in conjunction with any other license except a license in form L-13, L-13-A, L-14 and L-14-A. Similarly, licenses for retail sale of Country Liquor may not be held in conjunction with any other license except a license in L-2, L-2A, L-10, L-13 and L-13-AA. License in form L-17 and L-19 for the wholesale or retail sale vend of Denatured Spirit and Rectified Spirit may not be held in conjunction with a license for any dealing in Country Liquor or Foreign Liquor. An 'Ahata' may be held with a L-2 vend.

*The highest bidder at the auction/tender, shall furnish two acceptable sureties who own immoveable property in Himachal Pradesh of an amount determined by the Zonal Collector with the approval of Deputy Commissioner. The amount of surety will range between 25% to 50% of the bid money. As an option to sureties, duly pledged FDRs/NSC or Bank Guarantee can be given. The sureties are required for ensuring strict observance of the terms and conditions of the license and Excise Announcements and the provisions of the Punjab Excise Act, 1914, as applicable in Himachal Pradesh, and the rules framed thereunder. The sureties security deposit will be made within seven days from the date of action or by 31st March, whichever is earlier.

*If the lowest annual fee mentioned in clause (1) of this rule is not bid for any shop, the Collector may in his discretion accept a lower bid provisionally; but in forwarding the results of the auction to the Excise Commissioner under the Collector shall call special attention to the case of any vend or vendes for which he has provisionally accepted a lower bid, and shall state in regard to each vend whether he recommends that the vend may be:—

- (a) closed either permanently or until a person willing to take it up at the minimum license fee comes forward ; or
- (b) carried on by a vendor who will work it for a commission on sales ; or
- (c) resold at another auction ; or
- (d) sold for the lower bid provisionally accepted.

*All sales are open to revision by the Financial Commissioner.

*At the conclusion of every auction the Collector or the Presiding Officer shall refund to all persons, whose bids have not been accepted, all deposits made by them.

*The Collector shall forward to the Financial Commissioner statements in forms M-14 and M-14-A, showing the locality of each shop sold the probable sales during the year the lowest fee determined under clause (1) of this rule, the name of the persons to whom the shop has been sold, the amount for which it has been sold compared with that of the preceding year and, in any case in which the shop has not been sold for the highest bid, a short statement of the reason for rejecting it. If no intimation to the contrary is received

within three weeks or by 31st March whichever is earlier, the Collector may assume that the Financial Commissioners has accepted his proposals.

*If a sale is set aside by the Financial Commissioner on revision or the same is not confirmed, the Financial Commissioner may himself or otherwise specifically and direct the Collector to resell the license by auction, or by private contract or negotiation or by tender; in the resale is by tender, these rules shall apply as far as may be.

*(i) The highest bidders at the auction shall deposit by way of security an amount equivalent to 13½% of the highest bid as under :—

(a) 5% of the bid money or the amount directed to be deposited by the Presiding Officer as cash down at the time of bidding whichever is higher, at the fall of hammer ;

(b) 7% of the bid money into Government Treasury within 10 days of the auctions or 31st March, 2001, whichever is earlier; and

(c) the remaining amount equivalent to 1.5% of the bid money before the commencement of the license(s) in the shape of a Revenue Deposit or unconditional Bank Guarantee or F. D. R. as may be directed by the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District concerned:

Provided that in case a Bank guarantee is obtained against 1.5% deposit of security the same should be valid from 1st April of the year in which the operation of license commences and should remain valid upto 30th of June of the succeeding year:

Provided further that in lieu of cash, successful bidder may also submit a bank draft:

Provided that in case the immediate cash deposit actually made at the fall of hammer is equivalent to 13.5% or more of the bid money, the highest bidder will not be required to make a separate deposit equivalent to 12% under clauses (a) and (b) of sub-condition (i) above.

(ii) If the highest bid or bids, in respect of any vend or vends, received by the Presiding Officer at the auction /tender are rejected or not confirmed by the Financial Commissioner (Excise), the deposits of security made by the concerned bidder under sub-clause (a) and (b) of sub-condition (i) above, shall be refunded to such bidder without any interest thereon. Deposit of security shall confer no right on the highest bidder at auctions for the grant of license.

(iii) If any person who is the highest bidder at the auction/tenders, either indulges in pooling by deliberately withdrawing from tender (or otherwise -except as specifically provided) or fails to make deposit of the amount of security or on approval of his bid by the Financial Commissioner refuses to accept the license, the license may be resold by public auction or private contract or by any other arrangement and any deficiency in license fee and all expenses on such resale or attempted resale shall be recoverable from the said person as arrear of land revenue.

- (iv) If the highest bid or bids in respect of any vend or vends received by the Presiding Officer at the auction/tender are approved and confirmed by the Financial Commissioner, the deposit of security made by the concerned bidder under sub-clause (a) and (b), of sub-condition (i) above, shall be counted towards the license fee approved in respect of the concerned vend or vends, and adjusted as such and the remaining amount of license fee shall be paid by the licensee in the manner specified in sub-condition (v) below.
- (v) The remaining amount of license fee as per sub-clause (iv) above i. e. the amount remaining after deducting the sum deposited as security under sub-clause (a) and (b) of sub-condition (i) from the total license fee of the vend or the vends shall be paid by the licensee in ten equal instalments. The licensee shall pay first such instalment by the 25th of the month in which he is to begin his business under his license and then the remaining instalments by 25th of every subsequent month till the entire license fee has been realized. If the payment is not made by the 25th of the month, interest as per sub-clause (vii) will have to be paid for this default in payment.
- (vi) Out of 1.5 % security, a sum, as may be required, shall be adjusted against any amount of arrears due to the Government at the close of the financial year and such amount of the aforesaid security as may not be required for adjustment against any arrears shall be released to the licensee under proper order.
- (vii) In the event of his failure to pay an instalment or part thereof by the due date ;
- (a) The licensee shall pay interest at the rate of 18 % per annum for a delay of upto one month from the date of default. If the default in payment of license fee exceeds one month such licensee shall pay interest @ 24 % per annum from the initial date of default in payment of license fee till the default continues ; and
- (b) Without prejudice to sub-part (a) of sub condition (vii), the Assistant Excise & Taxation Commissioner/Excise & Taxation Officer, Incharge of the district may permit the licensee to deposit the amount of the instalment or part thereof upto 24th of the respective next month, except for the last instalment which shall be deposited by 10th of February. However, interest as per clause (a) above shall be necessarily charged for any default in payment beyond the due date.
- (viii) If the licensee fails to deposit the instalment or instalments plus interest, as the case may be, upto the 24th of the next month, or the last instalment by 10th February, the Assistant Excise & Taxation Commissioner/Excise and Taxation Officer, Incharge of the district, or any other officer authorized or directed by him would ordinarily seal the vend on 25th day of the following month or 11th February as the case may be. This shall be in addition to the penalty provisions that may be brought into operation against the licensee under the Punjab Excise Act, 1914, and the rules framed thereunder.
- (ix) In the event of the cancellation of the license for the wholesale or retail vend of foreign liquor to public and retail vend of country liquor, the Collector (Excise)

may resell it by resorting to any of the methods detailed in clause (ii) of condition-1 above."

9. In rule 37 of the said rules :—

- (i) in sub-rule (11) after the word "licensed" but before the word "under" the bracket, word, figure and sign "(except the license in form L-10-BB)" shall be inserted.
- (ii) In the 2nd proviso to clause (i) of sub-rule (31) the items (d) & (e) shall be deleted.

10. In rule 38 of the said rules —

- (i) in clause (a) of sub-rule (1) after the letter, sign & figure "L-10-B", the letter, sign, figure and coma "L-10-BB," shall be inserted.
- (ii) After sub-rule (1-B) the sub-rule (1-BB) shall be inserted, namely:—

"1-BB. A license in form L-1-BB for wholesale of imported foreign liquor to L-1 vends only:—

- (a) The licensee shall function as stockist in respect of the liquor imported from outside India.
- (b) Condition (b), (c) and (d) for license in from L-1-B shall apply *mutatis mutandis*."

(iii) in clause (b) of sub-rule (21) the words and figure "and Polythene pouches of the capacity of 200 MLs." appearing after the word "Capsuled" but before the words "as issued" shall be deleted.

11. In rule 39—

- (i) in clause (a) after the letter, sign and figure "L-1-B", the letter, sign and figure "L-1-BB," shall be inserted.
- (ii) In clause (b) after the letter, sign and figure "L-10-B," the letter, sign and figure "L-10-BB," shall be inserted.

12. In Schedule "A" appended to the said rules—

- (i) in item at Sr. No. 1 for the words and figure "Rs. 2,50,000" appearing in Col. 3, the words and figure "Rs. 3,00,000" shall be substituted.
- (ii) In item at S. No. 2 (a) for the words & figure "Rs. 60,000" appearing in Col. 3, the words and figure "75,000" shall be substituted.
- (iii) In item at S. No. 3, after sub-item (ii), following new sub-item (iii) shall be added, namely :—

"(iii) L-1-BB (Wholesale vend of imported foreign liquor).

(iii) Rs. 24/-, 32/- and 60/- per proof litre on regular, cheap, premium and superior and deluxe & higher brands respectively, subject to minimum of Rs. One lac."

(iv) the item No. at S. No. 4 & 5 shall be substituted by the following, namely :—

Sl. No.	Nature of license	Fixed license fee and Renewal Fee	
1	2	3	
4.	L-3, L-4 & L-5 (Combinded)	For hotels where number of Rooms is:— 10 to 50 51	
	Areas :		
	(a) (i) Shimla town including Kasumpti, New Shimla, Khalini, Vikasnagar, areas along National Highway upto Parwanoo, Chharabra and Kufri.	Rs. 0.35 lakh	Rs. 0.60 lakh
	(ii) Areas from Katrain to Kothi in Kullu District.	-do-	-do-
	(iii) All district headquarter towns and localities adjacent there to in H. P. (excluding Kinnaur and Lahaul and Spiti district headquarters) Palampur, Dalhousie, Chail and Kasauli.	-do-	-do-
	(b) All other areas	Rs. 0.20 lakh	Rs. 0.30 lakh
5.	L-4 & L-5 (Combinded)		
	(a) Areas mentioned in 4 (a) (i), (ii) & (iii).	Rs. 0.60 lakh.	
	(b) Areas mentioned in 4 (b)	Rs. 0.20 lakh.	
6.	L-4-A Licenses.		
	(a) Areas mentioned in 4 (a) (i), (ii) and (iii).	Rs. 0.165 lakh.	
	(b) Areas mentioned in 4 (b)	Rs. 0.125 lakh	
7.	L-12-C (License for retail vend of foreign Liquor at a club).		
	(a) Where the number of member is upto 100.	Rs. 1000/-	
	(b) Where the number of members is above 100.	Rs. 5000/-	

1	2	3
8.	L-17 Licence (Wholesale and retail vend of denatured spirit) :	
	(i) upto quantity of 1000 Bulk litres.	Rs. 1000/-
	(ii) above quantity of 1000 Bls.	Rs. 2000/-
9.	L-19 License (Wholesale and retail vend of rectified spirit).	Rs. 100/-
10.	L-20-C and L-20-D license	Rs. 5/- Not renewable.
11.	L-20-CC licenses	Rs. 25/- Not renewable
12.	(a) S-1 license	Rs. 2,000/- Rs. 2,000/-
	(b) S-1-A and S-1-AA	Rs. 500/- Rs. 500/-
13.	(a) L-50 permit	(a) Rs. 150/- for one year. Rs. 150/- for one year.
		(b) Rs. 300/- for three years. Not renewable.
	(b) L-50-A permit	Rs. 200/- -do-

(v) After item at S. No. 8 new item 8-A shall be added as under, namely:—

“8-A. L-1-BB for retail vend of beer in departmental stores etc. Rs. 15,000/- per annum”.

13. In the Schedule “B” appended to the said rules after the item at S. No. new item 1-A shall be added as under, namely:—

“1-A. L-10-BB—12—”

हस्ताक्षरित/-,
आबकारी एवं कराधान आयुक्त,
हिमाचल प्रदेश।

SCHEDULE “C”

No. 7-58/2000-EXN

DEPARTMENT OF EXCISE AND TAXATION

TENDER DOCUMENT FOR SALE OF LIQUOR LICENCES BY AUCTION/TENDER

1. PREFACE :

Financial offers are hereby invited by the undersigned for sale of liquor licences in Himachal Pradesh. The details of groups of vends (also called Units), Official reserve

price, various
Districts during the year.....and upto.....in the year
.....have been enclosed as Annexure-A and Annexure-B. Auction
Schedule, attached as Annexure-C.

Sealed tenders for a Unit will be submitted in 3 separate envelopes namely **Envelope-A**, **Envelope-B** and **Envelope-C**. Two out of these 3 sealed envelopes (i. e. **Envelopes A & B**) are to be filed for each unit separately.

The final decision regarding sale of license qua a unit will be taken on the basis of auction cum-tender system. sealed tenders will be received upto 10.30 A.M. (subject to Note 2 in point No. 5 below) on the scheduled day for the district. Auction will start at 10.30 A. M. and after identifying highest bidder in the auction, sealed tenders will be opened and a final decision will be taken thereafter.

2. ELIGIBILITY:

Every person or group of persons intending to participate in the auction or to submit sealed tender must establish his (their) eligibility first, by providing the following information in **Envelope-A**:

- (i) Declaration of solvency based on value of assets of an intending bidder (s) (FORM-A) to show that his (their) total assets are at least Rs. 10 lacs.

OR

If a person does not wish to give Declaration in FORM-A, he has the option of giving a Bank Guarantee or FDR/NSC of Rs. 10 lacs.

OR

As a third option, a firm or a company may even file its latest audited Balance Sheet to show that total assets minus liabilities is at least Rs. 10 lacs.

OR

He may deposit 10 lakh in cash.

- (ii) Income Tax Clearance Certificate.

- (iii) Affidavit affirming that the person concerned—

- Has neither been convicted, nor declared as a 'bad character' by the police ;
- Has not been debarred from participating in excise auctions or taking a license in any State; and
- Is not a defaulter under any taxation statute in H. P. (Mention Registration Certificate Nos., if any).

- (iv) Declaration in FORM -B regarding acceptance of terms & conditions contained in this Tender Document and Excise Announcement for the year 2001-2002.

- (v) Previous experience (if any) in liquor trade. In such a situation, the person(s) shall give details of the licence, period, place and the State.

Note 1.—If more than one persons wish to make a bid collectively (as a partnership or as an association of persons or as a company), they may keep their respective formats regarding value of assets in a single envelope. However, different individuals filing their **Envelope-A** separately may also join together as the option progresses, after declaring names of individuals getting together.

Note 2.—In case of group of persons aggregate value of solvency of members of this group should be at least Rs. 10 lacs.

Note 3.—*This condition regarding declaration of solvency will not apply in case of L-20-B license.*

Note 4.—*FORM-A is to be filled by each individual separately.*

3. PREPARATION OF BIDS BY SEALED TENDER:

The envelopes will be addressed to the Deputy Commissioner and will contain the following details on the envelope also :—

- (i) Name, Father's name and full address outside the body of the envelopes.
- (ii) Name of unit of vends for which bid is being submitted.
- (iii) Each of the 3 envelopes shall be superscribed as :

Envelope-A:

“Eligibility claim for participation in tender/auction of liquor vends in District—
“for 2001-2002”.

Note.—*This envelope shall be submitted by every persons/group of persons/partnerships/companies, which intend to participate either in the auction (to be given on the dates of auction) or submit sealed bids (to be given alongwith sealed bid).*

Envelope-B :

“Bid Security for sealed tender for _____Unit”.
“DO NOT OPEN BEFORE _____”.

Envelope-C:

“Financial Bid for _____Unit”.
“DO NOT OPEN BEFORE _____”.

4. CONTENTS OF ENVELOPES :

Envelope-A: Eligibility claim.

Envelope-B: Bid Security/earnest money.

This sealed envelope shall contain a security of an amount equal to at least 1 % of the bid money offered by the person making bid in sealed envelope, in the form of a Bank Draft in favour of the AETC/ETC drawn on any Scheduled Bank in the country. If a bidder intending to submit his bid by sealed tender wants to give cash (instead of Demand Draft) as bid security, the same may be permitted.

Envelope-C : Financial Bid :

This sealed envelope shall contain the actual bid made by the bidder and shall specify the amount of bid, both in words and letters clearly and shall contain all the information in the format prescribed for this purpose (FORM-C).

NOTE 1.—*The envelopes shall be sealed by signing across all joints of the envelope and pasting good quality transparent adhesive tape on top of such joints and signatures.*

NOTE 2.—*The bid shall contain no interlineations, erasures or overwriting. All corrections shall be done and initialled by the authorised signatory after striking out the original words/figures completely.*

5. SUBMISSION OF BIDS:

(a) Sealed bids in respect of each Unit separately will be submitted to the Deputy Commissioner concerned or to the Presiding Officer of the auction (in case he happens to be different from Deputy Commissioner), latest by 10.30 A. M. (or any other later time on that day as explained in point number 2 below) on the scheduled date of auction of the district.

Notes 1. *The Excise and Taxation Commissioner, H. P. may, at his sole discretion can change the schedule of auction.*

2. *If due to any unforeseen circumstances, the auction cannot be started at 10.30 a.m. sharp on the scheduled day, the Deputy Commissioner/Presiding Officer may delay the auction till such time on that day as he may decide. The Deputy Commissioner/Presiding Officer will then make a public announcement just before starting the auction giving a last opportunity for submitting a sealed tender. After that he will commence the auction proceedings.*

3. *Any bids received after the auction proceedings have begun, shall be rejected.*

(b) However, no bid will be submitted more than three days before the scheduled date of auction.

(c) Immediately on receipt of the bids, the Deputy Commissioner/Presiding Officer (the latter is applicable, if the D. C. can not present himself during the auction) in consultation with the local Asstt. Excise and Taxation Commissioner, shall himself examine the Eligibility Claim first. If the person (s) filing the sealed bid fulfils the eligibility criteria his (their) bid will be received and an acknowledgement in FORM-D shall be issued to the bidder. otherwise, the bid (i. e. Envelope B & C) will be returned.

(d) All bids shall remain valid upto 31-03-2001 from the date of its submission.

(e) Two of the envelopes (i. e. Envelopes B & C) shall be tagged together and kept securely in a sealed box. Seal of this box shall be duly signed by the Deputy Commissioner, the local Asstt. Excise and Taxation Commissioner.

(f) All the contents of Envelope-A received by the Deputy Commissioner/Presiding Officer shall be kept confidentially in a file and its abstract will be retained as a copy of FORM-D above.

(g) If a bidder so desires, he may be allowed to keep **Envelope-B** and **Envelope-C** in respect of a particular unit in another Envelope called **Envelope-D**. This Envelope will be sealed in the same manner as described in Note 1 to Point No. 4 of the Tender Document. The bidder will write the following words on this envelop "**SEALED BID FOR ONE UNIT IN DISTRICT**". The bidder will also write his name and address on the body of the **Envelope-D**. The authorized officer of the Office of the Deputy Commissioner will, therefore, not write the names of the units etc. in such cases, as detailed in **Form-D**. In point 2 of **Form-D**, he will merely write, received sealed tenders for (No.) of units in the district. After auction for the first unit concludes all such Envelops-D submitted by various bidder will be opened. However, **Envelopes-B and C** pertaining to only those units for which auction has been concluded will be opened.

6. CONDUCT OF AUCTION AND OPENING OF SEALED BIDS:

- (a) Entry into the auction hall shall be regulated as per the conditions given in the Excise Announcements for the year 2001-2002 ;
- (b) The person(s) submitting a sealed bid will have to be necessarily present himself (or through a General Power of Attorney) in the auction hall on the day/time of auction for the Unit(s) for which he has made a bid ;
- (c) A person participating in the auction can also submit a sealed tender and *vice-versa*.
- (d) After the highest bid for the first unit has been received in the auction and no further bids are forthcoming, the seal of the tender box shall be broken open and tenders for that unit will be segregated. Thereafter, the following actions will be taken:—

OPENING OF BID SECURITY:

Before opening the financial bid of a tender, his bid security will be opened. **If bid security is not available in the Envelope-B, or it has been given in a non-approved mode, the financial bid shall not be opened and will be deemed to be rejected. It is clarified that the bid security has to be at least 1% of the amount quoted in the sealed bid.** A bidder may choose to give higher amount as bid security.

OPENING OF FINANCIAL BID:

- * After opening the financial bid of a party, the Presiding Officer shall read out the names and address of the persons making the financial bid and nature of association/partnership. Thereafter, financial bid shall be announced in figures and as well as in words.
- * The Presiding Officer will then compare the highest bid made during the auction and sealed bids opened by him. **The persons (s) making higher of the two financial offers will be deemed to be the successful bidder subject to paras 8 and 9 below and other relevant portions of H. P. Liquor License Rules, 1986 and Excise Announcements .**
- * No further bidding by way of auction shall take place after the sealed bids have been opened. However, if the highest bid in the auction is equal to one or more of the tenders for a particular unit, or two or more sealed tenders are equal to each other, in such an eventuality, the Presiding Officer will allow further bidding. However, such further bidding will be restricted only to those persons who have quoted the highest equal amount either in auction or by way of sealed tenders.
- * The successful bidder (whether from the auction or from the sealed bid) will have to deposit the cash down amount as decided by the Presiding Officer on the same day. In case of sealed bid, the bid security will be adjusted towards the payment of cash down amount.

If during the auction, *cash-down* reaches such a level, which person (s) submitting the sealed bid finds un-affordable, he may give in writing to the Presiding Officer that he wants to withdraw his bid. Sealed bid should however be withdrawn only after the highest bid has been received but before process of opening of sealed tenders (including announcements, if any) is commenced. **Provided that no such withdrawal of bid will be permitted up to a cash down level of 20%. Cash down condition above 20% applicable in case of bid received in auction will remain operative even on the bids received in sealed tenders which are not withdrawn.**

Provided further that no sealed tender in respect of a unit can be withdrawn after even one sealed tender in respect of that unit has been opened. One sealed bid for a particular unit has been opened, the bids for that unit can not be withdrawn.

Before granting permission to withdraw the bid, the Presiding Officer of the auction will check from the relevant **Envelope-A** that only the correct person is withdrawing his bid. In such situation his sealed bid will not be opened.

- * Auction/tender process will take place on the basis of pre-defined units. However, in the very rare circumstances and in the interest of Government revenue, clubbing of units may be done with the approval of the Excise and Taxation Commissioner after all sealed bids in respect of the units proposed to be clubbed have been opened and have been declared to be insufficient. However, no such clubbing will be done if there is a sealed bid for a particular unit, which has not been opened.
- * If neither the sealed bid nor the highest bid in auction is found acceptable by the Presiding Officer, he may reject both types of offers and fix another date on which either auction or sealed tender or both or any other mode prescribed under Rules/Excise Announcements (as may be decided by the Excise and Taxation Commissioner, in his sole discretion) may be held.

7. RETURN OF BID SECURITY AND OTHER VALUABLE INSTRUMENTS :

After the auction/tender has been concluded and a successful bidder has been identified and requisite Cash Down payment has been made on the same day, the Deputy Commissioner/Presiding Officer will return Bid security of all unsuccessful bidders and Bank Guarantee NSC/FDR [received pursuant to clause 2 (i) above] promptly. However, all other photocopied documents will be retained. **Bid Security may be forfeited if,—**

- (a) If after opening of sealed bid, a bidder fails to deposit the remaining cash-down amount on the same day.
- (b) A bidder violates any such condition of this Tender Document or the Excise Announcements as would jeopardise the interest of the revenue of the State Government (Decision of the D. C./Presiding Officer in this regard shall be final).
- (c) A bidder withdraws his bid (except as specifically provided for in this Tender Document) during the period of its validity.

8. FINAL DECISION ON BIDS AND AWARD OF LICENCE :

Notwithstanding anything else contained to the contrary in this Tender Document and Excise Announcement highest bid (in tender or auction) and cash-down payment deposited as a sequel thereto shall be subject to approval of the Excise and Taxation Commissioner, who reserves the right to reject any bid without assigning any reason for doing so.

9. FINAL SALE/ALLOTMENT OF LICENCE :

After the approval of the Excise and Taxation Commissioner has been received, the successful bidder will, in addition to the amounts mentioned in the Excise Announcements [i. e. 5%+7% (or any higher cash down payment), 7% and 1.5%] have to submit the following documents before licence is granted to him:—

- * **Personal Bond** of each of the persons (quo the shortlisted bid) with 2 to 4 solvent sureties, having sufficient movable and immovable property, with aggregate value of

such bonds ranging between 25% to 50% (exact value to be decided by the Zonal Collector depending on facts of a case).

—Value of all assets of the successful bidder(s) in FORM-A duly certified by the S.D.M.

—Value of all assets of all the sureties in FORM-A duly certified by the S. D. M.

10. RECOVERY OF LOSS TO THE STATE EXCHEQUER DUE TO SUSPECTED POOLING OR DELIBERATE WITHDRAWAL

If a person(s) indulges in pooling by deliberately withdrawing from tender (or otherwise except as specifically provided) or does not make *cash down* payment after being declared as the highest bidder or does not accept licence after approval of his bid by the Excise and Taxation Commissioner or does anything during the tender-cum-auction which is prejudicial to the interest of State Exchequer, then the deficiency/loss in licence fee (and all expenses incurred in resale of licence) shall be recoverable from such person as arrears of land revenue.

FORM-A

VALUE OF ASSETS OF AN INTENDING BIDDER

1. Name_____
2. Father's Name-----
3. Full permanent address_____
4. Occupation_____
5. Telephone Number(s) _____
6. (A) Details of movable properties :

Passport Size
Photograph attested
by a gazetted officer

Sl. No.	Description	Description	Value
1	2	3	4
1.	Bank Deposits		
2.	Vehicles		
3.	Shares/Debentures etc.		
4.	Ornaments		
5.	Others		

6. (B) Details of immoveable properties :

Sl. No.	Description	Area/Quantity	Value
1.	2	3	4
1.	Land		
2.	Building		
3.	Plant and machinery		

4. Total value of moveable and immoveable assets (A+B)=

DECLARATION BY THE BIDDER

I solemnly declare that the facts about my property stated above are correct and that the immoveable property specified above is from all encumbrances.

Place :

(Signature of Bidder)

Date:

Note 1.—A person furnishing F. D. R. or National Savings Certificate or a Bank Gurantee or a Balance Sheet instead of filling in Col. 6 (A) 6 (B) of Form-A shall also have to fill in particulars in Entry No. 1 to 5 above.

Note 2.—It is not necessary to make an entry against all the items in Point Nos. 6 (A) and 6 (B). It will suffice to make such number of entries as would give an overall value of Rs. 10 lac for the bidder.

Note 3.—Photo copies of all documents (attested by a Gazetted Officer) such as Jamabandi, valuation crtifcats, registration certificate, ownership of building (to be issued by the local Body), Bank Account Details, Instrumenrts etc. must be attached.

Note 4.—Valuation of building can be done by an approved valuer or an A. E. of a Government/ Semi Government organisation. In case of a landed property, the concerned Revenue Officer (i. e. Tehsialdar/ Naib Tehsildar) shall give the value of land on the basis of latest Government instructions in the matter.

FORM-B

**DECLARATION REGARDING ACCEPTANCE OF TERMS & CONDITIONS
CONTAINED IN THE TENDER DOCUMENT
AND IN EXCISE ANNOUNCEMENTS FOR THE YEAR 2001-2002**

To

The Excise & Taxation Commissioner,
Himachal Pradesh.

Sir,

I have carefully gone through the Terms and conditions contained in the Tender Document No. 7-43/2000-EXN—regarding sale of liquor licenses for the year 2001-2002 by tender-cum-auction system and Excise Announcements for the year 2001-2002. I declare that all the provisions of this Tender Document and Excise Announcement, 2001-2002 are acceptable to me.

Yours sincerely,

Name_____

Father's Name_____

Permanent address_____

FORM-C

**FINANCIAL BID WITH RESPECT TO TENDER FOR ALLOTMENT OF
LIQUOR LICENSES IN DISTRICT**

1. DETAILS OF PARTNERS/PERSONS

Sl. No.	Name	Father's Name	Full Permanent Address (including Telephone Nos.)
1	2	3	4
1.			
2.			
3.			
4.			
5.			

2. NATURE OF ASSOCIATION/PARTNERSHIP:
3. NAME OF THE UNIT FOR WHICH BID IS BEING MADE:
4. RESERVE PRICE OF THE UNIT: Rs.
5. DETAILS OF BANK DRAFT GIVEN AS BID SECURITY:

Bank Draft No.	Date	Issuing Bank	Amount

6. FINANCIAL BID ;

(i) In Figures (Rs.) :

--	--	--	--	--	--	--	--

(ii) In Words (Rs.) _____

Name() Name () Name ()

Name () Name () Name ()

Date: _____

Signatures of Partners/Persons

Place : _____

FORM-D

OFFICE OF THE DEPUTY COMMISSIONER

Serial Number of Acknowledgement :

Date :

ACKNOWLEDGEMENT FOR SUBMISSION OF SEALED TENDER FOR SALE OF LIQUOR-LICENSE

1. Names of person(s) submitting the sealed tender

(i) _____

(ii) _____

